

IN THE SUPERIOR COURT OF LOWNDES COUNTY**STATE OF GEORGIA**

LINDA KAY SMITH, :
 : **CIVIL ACTION**
Plaintiff, :
v. : **FILE NO.: 2020CV1115**
BELK, INC., D/B/A BELK, :
Defendant. :

COMPLAINT

COMES NOW, Plaintiff, by and through her attorney at law, and files this her Complaint and shows this Honorable Court as follows:

1.

This is a re-filed lawsuit pursuant to O.C.G.A. § 9-2-61. This lawsuit was originally filed in in the Superior Court of Lowndes County, Georgia, under Civil Action #2017CV0154 and was filed on February 2, 2017. The date of the injury was on or about February 14, 2015. This lawsuit was originally filed within the Statute of Limitations. A Dismissal Without Prejudice was filed on February 24, 2020 in the Superior Court of Lowndes County, Georgia, under Civil Action #2017CV0154. It is being re-filed on August 11, 2020. This lawsuit is based upon substantially the same cause of action as the prior lawsuit involving *Linda Kay Smith v. Belk, Inc. d/b/a Belk*. The prior lawsuit in this case was dismissed on February 24, 2020. It was not dismissed on the merits. This lawsuit is being

re-filed within six (6) months of the Dismissal Without Prejudice which was filed on February 24, 2020.

2.

Belk, Inc., d/b/a Belk, hereinafter referred to as "Defendant" is a foreign profit corporation, which is authorized to and does transact business within the State of Georgia.

3.

Defendant owns and operates a department store located at 1181 N. St. Augustine Road, Valdosta, Lowndes County, Georgia, and is subject to the jurisdiction of this Honorable Court.

4.

Jurisdiction and venue are proper in this Court.

5.

Service of process may be perfected upon Defendant by serving its registered agent, National Registered Agents, Inc., 289 S. Culver Street, Lawrenceville, Gwinnett County, Georgia, 30046.

6.

On or about February 14, 2015, Plaintiff was an invitee/patron of Defendant's department store.

7.

On or about that date, an improperly, negligently placed display platform in an aisle of the department store caused Plaintiff to trip and fall to the ground.

8.

The proximate cause of Plaintiff's injuries was solely the negligence of the Defendant.

9.

As a result of the negligence of Defendant, Plaintiff has suffered serious bodily injury.

10.

As a result of the injuries and negligence of Defendant, Plaintiff has suffered past, present and will in the future suffer pain therefrom.

11.

Plaintiff has incurred medical bills as a result of the Defendant's negligence.

12.

Plaintiff's injuries are permanent and continuing in nature and Plaintiff will suffer losses and impairment in the future.

13.

All damages suffered by Plaintiff are the direct and proximate result of the Defendant's negligent acts.

WHEREFORE, Plaintiff prays as follows:

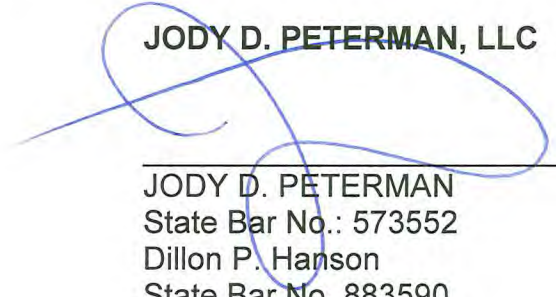
- a. That process issue as provided by law;
- b. A trial by jury;
- c. Judgment against the Defendant for medical bills, and pain and suffering in an amount to be determined by the

enlightened conscience of the jury;

- d. Judgment against Defendant for reasonable attorney's fees and all costs of this action;
- e. Such other and further relief as this Court may deem just and proper.

This the 10th day of August 2020.

JODY D. PETERMAN, LLC



JODY D. PETERMAN
State Bar No.: 573552
Dillon P. Hanson
State Bar No. 883590
Attorneys for Plaintiff

P.O. Box 6010
Valdosta, Ga. 31603-6010
Phone (229) 247-0386
Fax (229) 469-6735
petermanlawoffice@yahoo.com
dhanson.petermanlaw@gmail.com